

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

IAN LUCAS,)	
)	
Plaintiff,)	Case No. 3:24-cv-00440
)	
v.)	Judge Waverly Crenshaw
)	
MARY ANN JESSEE et al.,)	Magistrate Judge Newbern
)	
Defendants.)	

**DEFENDANTS' MOTION FOR CLARIFICATION REGARDING DEADLINE
FOR RESPONSIVE PLEADING AND SCHEDULE FOR PLAINTIFF'S
MOTION FOR PRELIMINARY INJUNCTION**

Defendants Mary Ann Jessee, Michelle Tellock, Joel Newsome, Melissa Porter, G.L. Black, Clairise Gamez, Neil Jamerson, Jeremy Bourgoin, Mavis Schorn, Pamela Jefferies, Marissa Shulruff, E. Jacob Cummings, Jill Harris, Heather Robbins, Cate Enstrom, Crystal Ritchie, Angela Weaver, Mary Roy, Michael Fazi, and Feylyn Lewis ("Defendants") respectfully request clarification regarding their deadline for filing a responsive pleading and the schedule for briefing, discovery, and a hearing on Plaintiff's April 25, 2024, motion for preliminary injunction. In support of this request, Defendants state as follows:

I. Responsive Pleading Deadline.

1. Plaintiff filed a 12-page, 172-paragraph Complaint on March 17, 2024. (Doc. No. 4.)
2. Plaintiff filed a 31-page, 137-paragraph Amended Complaint on March 30, 2024. (Doc. No. 1, Ex. B.) Plaintiff's March 30, 2024, Amended Complaint asserts 11 causes of action against 20 defendants.¹

¹¹ Seventeen Defendants are Vanderbilt faculty and staff members: Mary Ann Jessee, Michelle Tellock, Joel Newsome, Melissa Porter, G.L. Black, Neil Jamerson, Jeremy Bourgoin, Mavis Schorn, Pamela Jefferies, E. Jacob Cummings, Jill Harris, Heather Robbins,

3. On March 31, 2024, Plaintiff filed a 59-page, 209-paragraph document also entitled “Amended Complaint,” but purporting to add 22 new defendants.² (Doc. No. 1, Ex. D at 2-60.) Plaintiff’s March 31, 2024, Amended Complaint asserts 15 causes of action against 42 defendants.

4. Plaintiff contends that the March 31, 2024, Amended Complaint is the operative complaint. Defendants contend that the March 31, 2024, Amended Complaint is an improperly filed second amended complaint, filed without Defendants’ consent or leave of court.

5. In its May 9, 2024, Order denying Plaintiff’s motion for temporary restraining order, the Court noted the ambiguity regarding the operative complaint, stating:

As a preliminary matter, the Court notes that the record contains several iterations of the complaint (Doc. No. 1-1 at 175, Doc. No. 1-4 and Doc. No. 4). It appears that the Amended Complaint (Doc. No. 1-4) dated March 31, 2024, is the most recent version. Mr. Lucas shall file a notice on or before May 16, 2024, confirming that Doc. No. 1-4 is the operative controlling complaint and if not, he shall identify what is the operative controlling complaint.

(Doc. No. 42 at 2.)

6. At present, Defendants’ responsive pleading deadline is May 17, 2024. (Doc. No. 14.)

7. Given Plaintiff’s May 16, 2024, deadline to confirm the operative complaint (Doc. No. 42) and Defendants’ May 17, 2024, responsive pleading deadline (Doc. No. 14), Defendants respectfully request clarification of their responsive pleading deadline.

8. Defendants propose making their responsive pleading due 14 days after Plaintiff or the Court clarifies the operative complaint.

Cate Enstrom, Angela Weaver, Mary Roy, Michael Fazi, and Feylyn Lewis. Three Defendants are Vanderbilt students: Clairise Gamez, Crystal Ritchie, and Marissa Shulruff.

² Plaintiff has yet to serve the 22 new individuals identified in the March 31, 2024, Amended Complaint.

II. Response to Motion for Temporary Restraining Order.

9. On April 10, 2024, Defendants removed this case to this Court. (Doc. No. 1.)

Since then, Plaintiff has filed numerous motions, including:

April 15, 2024 – Motion for preliminary injunction. (Doc. No. 8.)

April 15, 2024 – Motion for “an order to seal the records” in this case, including the motion for preliminary injunction. (Doc. No. 6.)

April 25, 2024 – Motion to withdraw motion for preliminary injunction. (Doc. No. 15.)

April 25, 2024 – Second motion for preliminary injunction. (Doc. No. 16.)

May 2, 2024 – Motion for temporary restraining order. (Doc. No. 21.)

May 7, 2024 – Motion to withdraw motion for temporary restraining order. (Doc. No. 25.)

May 7, 2024 – Second motion for temporary restraining order. (Doc. No. 26.)

May 8, 2024 – Motion to compel mediation. (Doc. No. 31.)

May 9, 2024 – Motion for sanctions. (Doc. No. 41.)

May 13, 2024 – Motion for reconsideration. (Doc. No. 44.)

10. On May 8, 2024, Defendants sought to extend to May 16, 2024, their deadline to file a response to Plaintiff’s second motion for preliminary injunction. (Doc. No. 36.) The Court granted that motion the following day. (Doc. No. 43.)

11. In the meantime, the Court denied Plaintiff’s motion for temporary restraining order. (Doc. No. 42.) In so doing, the Court directed the parties to work with the Magistrate Judge to establish a briefing schedule and hearing date for Plaintiff’s second motion for preliminary injunction, stating:

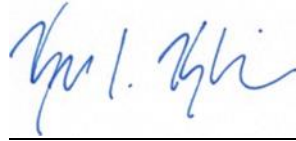
In preparation for the preliminary injunction hearing, the parties shall meet with the Magistrate Judge to determine, among other things, whether Mr. Lucas seeks to amend the complaint, whether any discovery is necessary, deadlines for the parties’ briefs, and target dates for a preliminary injunction hearing.

(Doc. No. 42 at 5.)

12. Given Defendants' upcoming deadline, Defendants propose setting a case management conference to determine a schedule for briefing, discovery, and the hearing on Plaintiff's motion for preliminary injunction.

13. For the foregoing reasons, Defendants respectfully request clarification regarding the deadline for their responsive pleading and the schedule for Plaintiff's second motion for preliminary injunction. Defendants propose making their responsive pleading due 14 days after Plaintiff or the Court clarifies the operative complaint and setting a case management conference to address deadlines and other issues related to Plaintiff's motion for preliminary injunction.

Respectfully submitted,



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s/ Denmark J. Grant

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CERTIFICATE OF SERVICE

I certify that I filed the foregoing MOTION FOR CLARIFICATION on the Court's CM/ECF system on this 13th day of May, 2024, which forwarded a copy to:

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